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United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DAVID GARCIA,  
  
Defendant.

CASE NO. 1:22-CR-00308-NODJ-BAM  
STIPULATION AND ORDER

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and DAVID GARCIA, by and through defendant's counsel of record, Robert Lamanuzzi, hereby stipulate as follows:

1. By previous order, this matter was set for a change of plea on January 13, 2025. Dkt. 40. Thereafter, the Court advanced the change of plea to January 8, 2025. Dkt. 41.

2. Defense counsel is not available on January 8, 2025, because he has other matters on calendar in state court. The Defense therefore requests to move the change of plea to the earliest available date that Defense counsel is available which is February 24, 2025.

3. The defense counsel further requests that time be excluded between January 13, 2025, and February 24, 2025, to ensure continuity of counsel, and sufficient time to prepare for sentencing proceedings. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of January 13, 2025 to February 24, 2025, inclusive,

is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because it results from a continuance granted by the Court at defendants' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

IT IS SO STIPULATED.

Dated: December 27, 2024

PHILLIP A. TALBERT  
United States Attorney

/s/ ARIN C. HEINZ  
ARIN C. HEINZ  
Assistant United States Attorney

Dated: December 27, 2024

/s/ Robert Lamanuzzi  
Robert Lamanuzzi  
Counsel for Defendant

**ORDER**

IT IS SO ORDERED that the change of plea hearing is continued from January 8, 2025, to **February 24, 2025, at 8:30 a.m. in Courtroom 5 before the District Court Judge.** Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **December 27, 2024**

/s/ *Barbara A. McAuliffe*  
UNITED STATES MAGISTRATE JUDGE